

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, APRIL 19, 2007**

Invocation: Pastor Craig Sommer, St. Martin's Evangelical Lutheran Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 19, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:15 a.m.

The Mayor asked Council Members to report on upcoming agenda items:

Mayor Pro Tem Dunkerley reported she will be bringing forth an agreement with the Library Foundation concerning disposition of the proceeds from Block 21 to create an endowment fund to assist the Library with increased operating costs when they move into the new library.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Kim's motion, Council Member Martinez' second on a 7-0 vote.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of April 12, 2007.
The minutes from the regularly scheduled meeting of April 12, 2007 were approved.
2. Approve Service Extension Request No. 2519 with M.D. ENTERPRISES, L.P for water service not to exceed a peak hour flow of 18 gallons per minute (gpm) for a tract of approximately three acres located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at 2009 South Capital of Texas Highway. There is no unanticipated fiscal impact. Recommended by the Environmental Board and the Water and Wastewater Commission.
The motion authorizing the service extension request number 2519 was approved.
3. Approve a resolution authorizing the City to participate in the Texas Radio Coalition to plan and develop a statewide wireless interoperable communication system with local and regional government entities, and authorizing the City Manager to take necessary action.
Resolution No. 20070419-003 was approved.

Item 4 was pulled for discussion.

5. Approve a resolution appointing Art Alfaro to the Board of Directors of Austin Convention Enterprises, Inc.

Resolution No. 20070419-005 was approved.

6. Authorize the negotiation and execution of an Interlocal Agreement between the City and the Lower Colorado River Authority (LCRA) to conduct a Lake Austin boating use study in an amount not to exceed \$71,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget for the Parks and Recreation Department.

The motion authorizing the negotiation and execution of an interlocal agreement was approved.

7. Approve an ordinance authorizing the acceptance of \$93,000 in grant funds from the State of Texas, Office of the Governor, Criminal Justice Division; and amending the Fiscal Year 2006-2007 Austin Police Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$93,000 for overtime forensic services and to purchase equipment and supplies for DNA analysis. Funding is available from the State of Texas, Office of the Governor, Criminal Justice Division for the grant period of January 1, 2007 - June 30, 2007. A match is not required.

Ordinance No. 20070419-007 was approved.

8. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for the Circle S Road at Boggy Creek Bridge Repair Project in an amount not to exceed \$140,930. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Public Works Department. Lowest of two bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts; 0.18% MBE and 4.71% WBE subcontractor participation.

The motion authorizing the execution of a construction contract with Jay-Reese Contractors, Inc. was approved.

9. Approve a resolution authorizing the fee simple acquisition of Lot 31, Block K, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 6902 Thatch Court from Robert W. Archibald for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$44,000 for the land and improvements and \$34,900 owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000 for a total amount not to exceed \$88,900. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20070419-009 was approved.

10. Approve a resolution authorizing the fee simple acquisition of Lot 7, Block C, Onion Creek Forest, Section 1, a subdivision in Travis County, Texas, located at 5302 Sand Hill Drive from Earnest R. and Cathy S. Jones for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$40,000 for the land and improvements and \$35,000 owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$85,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20070419-010 was approved.

11. Approve a resolution authorizing the fee simple acquisition of Lot 2, Block G, Onion Creek Forest, Section 1, a subdivision in Travis County, Texas, located at 5303 Sand Hill Drive from Anthony L. Mickelson and Carolyn A. Mickelson for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$120,000 for the land and improvements and \$25,000 owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000 for a total amount not to exceed \$155,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20070419-011 was approved.

12. Approve a resolution authorizing the fee simple acquisition of Lot 4, Block M, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 5405 Vine Hill Drive from Larry L. Tebben for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$46,000 for the land and improvements and \$30,500 owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$86,500. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20070419-012 was approved.

Items 13 and 14 were pulled for discussion.

15. Approve an ordinance vacating four street segments totaling 4,636 square feet out of the Westminster Falcon Trinity LLP 223.268 acre tract adjacent to Sendero Hills Parkway to Westminster Falcon Trinity LLP, to be incorporated into single-family SMART Housing lots. Recommended by the Zoning and Platting Commission; and, the Urban Transportation Commission.
Ordinance No. 20070419-015 was approved.
16. Approve an ordinance amending Section 12-4-24 of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within an area bounded by Kramer Lane to the north, Lamar Boulevard (Loop 275) (North) to the east, Rutland Drive to the south, and Metric Boulevard to the west. Funding in the amount of \$6,380 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20070419-016 was approved.

Item 17 was pulled for discussion.

18. Authorize award, negotiation, and execution of a contract with IFACTOR CONSULTING, INC., Westminster, CO for the purchase and implementation of Storm Center Enterprise License, a graphical outage web based reporting software to include annual maintenance and support in an amount not to exceed \$64,000, with four 12-month extension options in an estimated amount not to exceed \$5,000 per extension option, for a total estimated contract amount not to exceed \$84,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget for Austin Energy. Best evaluated proposal of three proposals received. This purchase will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award, negotiation, and execution of a contract with Ifactor Consulting, Inc. was approved.
19. Authorize ratification of award and execution of a contract with SOUTHWEST ELECTRIC COMPANY, Oklahoma City, OK, for the remanufacture of a Patton Substation power transformer in an amount not to exceed \$540,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Sole bid. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were identified; therefore, no goals were established for this solicitation.
The motion authorizing ratification of award and execution of a contract with Southwest Electric Company was approved.
20. Authorize award and execution of a 24-month requirements service contract with JG ARCO-IRIS PAINTING CONTRACTORS, LLC, Austin, TX for painting services in an estimated amount not to

exceed \$500,000, with two 12-month extension options in an estimated amount not to exceed \$250,000 per extension option, for a total estimated contract amount not to exceed \$1,000,000. Funding in the amount of \$125,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Finance and Administrative Services Department, Building Services Division. Funding for the remaining 18 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract with JG Arco-Iris Painting Contractors was approved.

21. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with FREIGHTLINER OF AUSTIN, Austin, TX, for the purchase of one knuckleboom loader dump truck in an amount not to exceed \$147,479. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department. Cooperative purchase.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Freightliner of Austin was approved.

22. Authorize award and execution of Amendment No. 5 with TEXAS INDUSTRIES FOR THE BLIND & HANDICAPPED (TIBH), Austin, TX, to increase the second extension option for temporary personnel services in an estimated amount not to exceed \$104,000, for a revised total estimated contract amount not to exceed \$926,375. Funding in the amount of \$104,000 is available in the Fiscal Year 2006-2007 Operating Budgets of various departments. Contract Amendment.

The motion authorizing the award and execution of amendment number 5 with Texas Industries for the Blind and Handicapped was approved.

23. Authorize award and execution of a 36-month service contract with AUSTIN COMMUNITY RADIO/KAZI, Austin, TX, for radio broadcast services of the City Council meetings in an amount not to exceed \$163,200, with three 12-month extension options in an amount not to exceed \$60,000 per extension option, for a total contract amount not to exceed \$343,200. Funding in the amount of \$21,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Information Office. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a service contract with Austin Community Radio/KAZI was approved.

24. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Charter Revision Committee</u>		
Roxanne Evans	Council Member Cole's	Appointment
Janis Pinnelli	Council Member Leffingwell's	Appointment
Stephen Shang	Council Member Kim's	Appointment

Solid Waste Advisory Commission

Rick Cofer

Council Member Leffingwell's

Appointment

25. Approve a resolution initiating appropriate amendments to Title 25 of the City Code to provide for appeals to Council of all variances granted for developments within the Waterfront Overlay District, City Code Sections 25-2-671 through 25-2-746. (Council Member Lee Leffingwell Mayor Pro Tem Betty Dunkerley and Council Member Mike Martinez)
Resolution No. 20070419-025 was approved.
26. Approve a resolution directing the City Manager to evaluate and recommend strategies for limiting the use of non-compostable plastic bags by stores located in the City, and promoting the use of compostable plastic bags, recyclable paper bags or reusable checkout bags. (Council Member Lee Leffingwell Mayor Will Wynn Council Member Mike Martinez)
Resolution No. 20070419-026 was approved.
27. Approve a resolution supporting the housing tax credit allocation application (TDHCA #07606) to the Texas Department of Housing and Community Affairs for a proposed multi-family residential development located at 1805 Frontier Valley Drive in Austin, Texas. (Council Member Mike Martinez Council Member Sheryl Cole)
Resolution No. 20070419-027 was approved.
28. Approve a resolution amending the City's Legislative Program to support Senate Bill 1054, a bill relating to the conduct that constitutes hazing. (Council Member Jennifer Kim Council Member Sheryl Cole)
Resolution No. 20070419-028 was approved.
29. Approve waiver of park rental fees for the Tuskegee Airmen Exhibition to be held April 29 through May 2, 2007, at Doris Miller Auditorium. (Council Member Sheryl Cole Mayor Pro Tem Betty Dunkerley)
The motion authorizing the waiver of park rental fees was approved.
30. Set public hearings for the full purpose annexation of the following annexation areas: (1) Avery Ranch Area, Group 3: (a) Tract One: Approximately 51.71 acres in Williamson County, south of Brushy Creek and east of Parmer Lane; (b) Tract Two: Approximately 1.28 acres in Williamson County, south of Brushy Creek and east of Parmer Lane; (c) Tract Three: Approximately 185.05 acres in Williamson County, south of Brushy Creek and west of Parmer Lane; (d) Tract Four: Approximately 30.04 acres in Williamson County, south of Avery Ranch Boulevard and west of Parmer Lane; and (e) Tract Five: Approximately 18.64 acres in Williamson County, south of the intersection of Avery Ranch Boulevard and Staked Plains Drive; (2) Avery Ranch Boulevard Area (approximately 3 acres in Williamson County including Avery Ranch Blvd right-of-way, approximately 800 feet east of the intersection of Avery Ranch Boulevard and US-183 A); (3) Goodnight Ranch North Area (approximately 293 acres in southern Travis County, north of the proposed Slaughter Lane extension approximately 680 feet east of the intersection of Slaughter Lane and Old Lockhart Road) (4) Dakota Springs (approximately 101 acres in Travis County, south of Frate Barker Road at the intersection of Frate Barker Road and Brodie Lane) (5) Sweetwater Glen (approximately 92 acres in Travis County, east of Manchaca Road approximately 1,070 feet south of the intersection of Slaughter Lane and Manchaca Road); (6) IH-35 Service Road Right-of-Way at FM 1327: (approximately 5.6 acres in southern Travis County at the intersection of IH-35 and FM 1327); (7) US 290 East/Ed Bluestein Right-of-Way (approximately 16.32 acres in Travis County, southeast of the intersection of US 290 East and Ed Bluestein) (Suggested dates and times: May 17, 2007 and May 24, 2007 at 6:00 p.m., Austin City Hall, 301 West Second Street, Austin, TX)
The public hearings were set for May 17 and 24, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.

31. Set public hearings regarding a proposed strategic partnership agreement (SPA) between the City of Austin and Lost Creek Municipal Utility District (MUD) (approximately 788 acres located in Travis County west of Capital of Texas Highway west of the intersection of Lost Creek Boulevard and Capital of Texas Highway). Suggested dates and times: May 3, 2007 and May 17, 2007 at 6:00 p.m., Austin City Hall, 301 West Second Street, Austin, TX)
The public hearings were set for May 3 and 17, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.
32. Set a public hearing to receive citizen comments on the annual draft Action Plan Fiscal Year 2007-2008, required by the U.S. Department of Housing and Urban Development (HUD), and (2) the Texas Local Government Code Chapter 373 Community Development 2007-2008 Program, including proposed funding allocations for Fiscal Year 2007-2008. (Suggested date and time: May 17, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set for May 17, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.
33. Set a public hearing to discuss and receive public comments on the 2007 Draft FAR Part 150 Noise Study Update Noise Exposure Maps and the recommended Noise Compatibility Program elements for Austin-Bergstrom International Airport. (Suggested date and time: May 24, 2007 at 6:00 p.m., Austin City Hall, 301 West Second Street, Austin, TX) Recommended by the Austin Airport Advisory Commission.
The public hearing was set for May 24, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.

Items 34 through 37 were Executive Session items.

Item 38 was an action on Executive Session item.

Items 39 through 45 were zoning items set for 4:00 p.m.

DISCUSSION ITEMS

17. Approve an ordinance on second reading awarding a franchise to operate a taxicab service in the City pursuant to Section 13-2-309(C) of the City Code; and waiving the provisions of Section 13-2-309(B) of the City Code relating to the maximum number of permits which may be allocated to a franchise applicant. The taxicab permit fee of \$400 per year per permit is a revenue source. Expected annual revenue is \$22,000.
The motion to approve the second reading of the ordinance awarding the franchise to Lone Star Cab was approved with the following direction to staff on Council Member Martinez' motion, Council Member Leffingwell's second on a 4-3 vote. Those voting aye were: Mayor Wynn and Council Members Kim, Leffingwell and Martinez. Those voting nay were: Mayor Pro Tem Dunkerley and Council Members Cole and McCracken. Staff was directed to bring the item back for Council action on May 17 and to provide Council with some suggested wording that could be included in the franchise ensuring the franchisee will provide computer dispatch services and setting criteria for the owner/operator structure proposed by the franchisee.
4. Authorize negotiation and execution of a contract with PUSH UP FOUNDATIONS, INC., Austin, TX to provide men's shelter services, on a month-to-month contract basis from April 1, 2007 - July 31, 2007, for a monthly amount of \$14,166.66, and a total contract amount not to exceed \$56,666.64. Funding is included in the Fiscal Year 2006-2007 Operating Budget of the Health and Human Services Department.

The motion authorizing the negotiation and execution of a contract with Push-Up Foundations, Inc. was approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session meeting at 11:20 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Item 34 was discussed later in Executive Session.

35. Discuss legal issues concerning development at Northcross Mall. (Private Consultation with Attorney - Section 551.071)

This item was withdrawn.

36. Discuss legal issues regarding an invitation for sealed bids for sale of approximately 11,376 square feet of land on the northeast corner of West 3rd Street and North Lamar Boulevard, commonly known as 301 North Lamar Boulevard. (Private Consultation with Attorney - Section 551.071) (Related to Item #13)

37. Discuss legal issues concerning Cause No. D-1-GN-07-000655, Austin Filter Systems, Inc. v. City of Austin; in the 353rd District Court of Travis County, Texas. (Concerns the Thornberry Road Project) (Private Consultation with Attorney - Section 551.071) (Related to item #38)

Executive Session ended at 11:47 a.m. and Mayor Wynn called the Council Meeting back to order at 11:57 a.m.

DISCUSSION ITEMS CONTINUED

13. Authorize the advertisement for sealed bid offers for the sale of a tract of land consisting of approximately 11,376 square feet of land located at the northeast corner of West Third Street at Lamar, commonly known as 301 North Lamar, for not less than the fair market value of \$1,200,000 and subject to certain restrictions. (Related to Item #36)

The motion authorizing the advertisement for sealed bid offers for the sale of a tract of land was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Council Member McCracken was off the dais.

ACTION ON EXECUTIVE SESSION

38. Approve a settlement in Cause No. D-1-GN-07-000655, Austin Filter Systems, Inc. v. City of Austin; in the 353rd District Court of Travis County, Texas. (Concerns the Thornberry Road Project) (Related to item #37)

The motion to approve the settlement in the amount of \$60,000 and to provide a contingency of \$25,000 for the Thornberry Road project was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

Terry Robinson - Fort Branch 25 year Flood Plain Elevation

Jo McFerren - Traffic - Wal-Mart Northcross

CarolAnneRose Kennedy - STATE of the UNION: ADD.DRESS...POTTY MANNERS

Colin Clark - Pollution and the Barton Springs Watershed by AMD

Betsy Todd - Traffic Affecting Pillow Elementary

Robyn Ross - Wal-Mart Supercenter - Northcross Mall

Marlene Meador spoke in place of Kathy Korrea - Wal-Mart Development at Northcross Mall

Hugh McCann - Northcross Re-Development

Akwasi Evans - African American Quality of Life

Melvin Miller - Housing for the Homeless

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:48 p.m.

EXECUTIVE SESSION CONTINUED

34. Discuss legal issues concerning legislation in the 80th Legislative Session. (Private Consultation with Attorney - Section 551.071)

Executive Session ended at 2:04 p.m.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn called the Board of Director's Meeting of the Austin Housing Finance Corporation to order at 4:01 p.m. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 4:10 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Kim was off the dais.

43. C14-06-0123 - Ardent 1 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1500 South Lamar Boulevard (West Bouldin Creek Watershed) from community commercial (GR) district zoning and general commercial services (CS) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading approved on November 16, 2007. Vote: 7-0. Applicant: Ocean Stone SC, L.L.C. (Robert S. Peek Jr.). Agent: Drenner & Golden Stuart Wolff, SSP (Michele Rogerson). City Staff: Robert Heil, 974-2330. (Related to items 14 and 44)
Ordinance No. 20070419-043 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved. The conditional overlay regarding trip limitations was replaced with item number 1 of the restrictive covenant limiting trips to 2,980 per day.

44. C14-06-0124 - Ardent 2 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1418 South Lamar Boulevard (West Bouldin Creek Watershed) from multi-family residence-medium density (MF-3) district zoning and general commercial services (CS) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading approved on November 16, 2007. Vote: 7-0. Applicant: Ocean Stone SC, L.L.C. (Robert S. Peek Jr.). Agent: Drenner & Golden Stuart Wolff, SSP (Michele Rogerson). City Staff: Robert Heil, 974-2330. (Related to items 14 and 43)
Ordinance No. 20070419-044 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved. The conditional overlay regarding trip limitations was replaced with item number 1 of the restrictive covenant limiting trips to 2,980 per day.

DISCUSSION ITEMS CONTINUED

14. Approve an ordinance vacating Cinco Street to Ocean Stone, L.P., to be used for future unified development. Recommended by the Planning Commission and the Urban Transportation Commission. (Related to items 43 and 44)
Ordinance No. 20070419-014 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Kim was off the dais.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

39. C14-2007-0011 - Lamar/Manchaca Mixed Use - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2711-2715 South Lamar and 2803-2901 Manchaca (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning to permit Vertical Mixed use on the site. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning to permit Vertical Mixed use on the site. Planning Commission Recommendation: To be reviewed on April 24, 2007. Applicant: Alexander Madison Land Co. (Robert Watts); JBS Holdings, L.P. (Winston Krause). Agent: Drenner & Golden Stuart Wolff (Michele Rogerson). City Staff: Robert Heil, 974-2330.
This item was postponed to May 3, 2007 at the staff's request.
40. C14-06-0203 - Cullen Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9006 Cullen Lane (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: Weldon J. Schmidt. Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.) City Staff: Wendy Walsh, 974-7719.
The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved with an amendment to the restrictive covenant. The amendment was: Item 9 in the Restrictive Covenant should read as follows, "The noise level of mechanical equipment including outdoor speakers may not exceed 70 decibels at the west property line. Any outdoor speakers shall either be oriented away from the single-family residential neighborhood to the west, or be screened by a device, wall, fence, structure, or other screening device."

41. C14-06-0204 - Slaughter Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 160 Slaughter Lane (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: A. King Enterprises Management (Alma King Fancher). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.) City Staff: Wendy Walsh, 974-7719.
The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved with an amendment to the restrictive covenant. The amendment was: Item 9 in the Restrictive Covenant should read as follows, "The noise level of mechanical equipment including outdoor speakers may not exceed 70 decibels at the west property line. Any outdoor speakers shall either be oriented away from the single-family residential neighborhood to the west, or be screened by a device, wall, fence, structure, or other screening device."
42. C14-07-0013 - Caswell Lofts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2205 North Lamar Boulevard and 2209 Shoal Creek Boulevard (Shoal Creek Watershed) from general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To be reviewed on April 24, 2007. Applicant: Caswell Lofts, LP (Allen Cowden). Agent: Smith, Robertson, Elliott, Glen, Klein (David Hartman). City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed May 3, 2007 at the staff's request.

ZONING DISCUSSION ITEM

45. C14-06-0191 - Fox Hill - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11421-11717 South IH-35 Service Road Northbound (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to rural residence-conditional overlay (RR-CO) combining district zoning for Tract 1 and multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning for Tract 2. Staff Recommendation: To grant rural residence-conditional overlay (RR-CO) combining district zoning for Tract 1 and multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning for Tract 2 with conditions. Zoning and Platting Commission Recommendation: To grant rural residence (RR) district zoning for Tract 1 and multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning for Tract 2 with conditions. Applicant: Onion Associates, Ltd. (Bruce T. Morrison). Agent: Vaughn & Associates, Ltd. (Rick Vaughn). City Staff: Wendy Walsh, 974-7719.
The public hearing was closed and Ordinance No. 20070419-045 for rural residence (RR) district zoning for Tract 1 and multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning for Tract 2 with conditions was approved on Council Member Leffingwell's motion and Mayor Pro Tem Dunkerley's second on a 7-0 vote. The additional conditional overlay for Tract 1 was: improvements are limited to drainage underground utility improvements, hike and bike trails, or other improvements which otherwise may be required by the City of Austin or specifically authorized in the ordinance. The additional conditional overlay for Tract 2 was to limit 12 units per acre. The restrictive covenant ties the development to the assumptions in the Traffic Impact Analysis (TIA) and the applicant has posted \$44,000 in fiscal for improvements at Onion Creek Parkway at I-35.

Mayor Wynn adjourned the meeting at 4:58 p.m. without objection.

LIVE MUSIC

Biscuit Brothers

PROCLAMATIONS

Certificate of Congratulations – Pulitzer Prize Winner Lawrence Wright – to be presented by Mayor Will Wynn and to be accepted by the honoree.

Proclamation -- Infant Immunization Awareness Week -- to be presented by Mayor Will Wynn and to be accepted by David Lurie and Coleen Christian

Proclamation -- Fair Housing Month -- to be presented by Mayor Will Wynn and to be accepted by Charles Gorham

Proclamation -- National Volunteer Recognition Week -- to be presented by Mayor Will Wynn and to be accepted by Joanna Johnson and volunteer coordinators

Proclamation -- Edge Week -- to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by a representative of the Greater Austin Chamber of Commerce

Proclamation -- Central Texas Electric Lawnmower Program -- to be presented by Mayor Will Wynn and to be accepted by Scott Johnson

Proclamation -- Red Hat Day -- to be presented by Mayor Pro Tem Betty Dunkerley and to be accepted by Judy Lundgren

Proclamation -- National Crime Victims Rights Week -- to be presented by Council Member Jennifer Kim and to be accepted by Amanda Van Hoozer, Michelle Casanova and Melissa Attwood.

The minutes for the Regular Meeting of April 19, 2007 were approved on this the 3rd day of May, 2007 on Mayor Pro Tem Dunkerley's motion, Council Member Martinez' second on a 7-0 vote.